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PP RUEHCHI RUEHDT RUEHHM RUEHNH  
DE RUEHPF #0193/01 0331015  
ZNR UUUUU ZZH  
P 021015Z FEB 07  
FM AMEMBASSY PHNOM PENH  
TO RUEHC/SECSTATE WASHDC PRIORITY 7964  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE

UNCLAS SECTION 01 OF 04 PHNOM PENH 000193

SIPDIS

SENSITIVE

SIPDIS

FOR G/TIP, EAP/MLS and EAP/RSP

E.O. 12958: N/A

TAGS: PHUM PREL KWMN KJUS CB

SUBJECT: CAMBODIA: 4TH QUARTER 2006 REPORT ON TRAFFICKING IN PERSONS

REF: A. 06 PHNOM PENH 1968

1B. 06 PHNOM PENH 1954

1C. 06 PHNOM PENH 1235

11. (U) Summary: During the last quarter of 2006, the Cambodian police arrested 16 human traffickers and six pimps. At least 31 victims of trafficking were identified during the reporting period, and police removed 28 sex workers from brothels. Police also arrested three foreigners, including two Amcits, for crimes against children and commenced a campaign to clear a red-light section of Phnom Penh of sexual businesses. At the direction of the Ministry of Justice, the Phnom Penh Municipal Court prioritized trafficking cases, by taking the backlogged cases to trials. The overall Cambodian court system sentenced eight traffickers, 15 pimps and three foreign pedophiles to prison terms under the trafficking law. A November 2006 visit to Sihanoukville and meetings with RGC officials and NGOs in Phnom Penh highlighted the continuing challenges of combating TIP in Cambodia. End Summary.

Police Action

12. (U) On October 14, the Banteay Meanchey Anti-TIP Unit arrested a Thai national for attempted trafficking of three Cambodian women to Thailand. The suspect came into Cambodia days earlier and persuaded the women to go to Thailand with him to work. The women returned to their families. The suspect is in pretrial detention.

13. (U) On October 18, based on an NGO Action Pour Les Enfant (APLE) investigation, police of the Phnom Penh Anti-TIP Unit arrested an Amcit, Boris Myron Ma, for sexually abusing a 14-year-old girl in a guesthouse. Along with Ma, police arrested three accomplices and the mother of the victim, who confessed to procuring her daughter and two other underage girls for Myron for an unspecified amount of money. The Phnom Penh Municipal Court charged Myron with debauchery, the mother with trafficking, and the three accomplices with colluding in human trafficking. All are under pretrial detention. Police referred the girl to a shelter run by NGO World Hope International (WHI).

14. (U) On October 19, police of the Battambang Anti-TIP Unit arrested two individuals for sexually abusing a 15-year-old girl. One of the suspects is the victim's stepmother, who forced the victim to marry the second suspect in order to pay off a USD 300 debt. The second suspect physically and sexually abused the victim following their marriage. The victim reported the abuse to the commune council and requested their assistance, after which police arrested the two.

15. (U) On October 24, the Ministry of Interior's Anti-TIP unit raided a Phnom Penh brothel, removed ten voluntary sex workers, ages 20 to 28, and referred them to an AFESIP shelter. The police made no arrests as a result of the raid. All except three women left the shelter afterward. (AFESIP lacks current information as to their whereabouts and which province they are from. Usually such women live in a rented home in Phnom Penh. Voluntary sex workers do not

want to stay in shelters and they often return to their previous jobs.)

¶16. (U) On October 26, the Anti-TIP Phnom Penh unit arrested another American national, Donald Rene Ramirez, for sexually abusing an underage girl. Police also arrested the mother of his 14-year-old victim for selling her daughter for sexual abuse. The Phnom Penh court charged Ramirez and the mother with debauchery and trafficking, respectively. Ramirez killed himself later while in police custody (see reftel A). The victim is currently under the care of WHI.

¶17. (U) On November 2, the Kandal Provincial Police Commissariat arrested a 20-year-old Cambodian man for indecent assault against a 15-year-old girl.

¶18. (SBU) On November 11, police arrested a woman for prostituting her 16-year-old foster daughter at the Martini Bar in Phnom Penh. The suspect had obtained custody of the victim in 2002, and had been prostituting her since that time. The victim escaped and filed a complaint with the police, after which police arrested the suspected foster mother. However, according to NGO Protection of Juvenile Justice (PJJ)'s report, after receiving death threats from the suspect's unidentified companions, the victim withdrew her complaint and police released the suspect. The victim is with WHI. PJJ forwarded the case to court to get the suspect rearrested.

¶19. (U) On November 15, police of the Anti-TIP Phnom Penh Unit conducted a raid on a cross-border trafficking ring to Malaysia. The raid resulted in the rescue of a 17-year-old Vietnamese victim and the arrests of three suspects, including the victim's mother. The traffickers brought the victim from Vietnam and attempted to sell her into the sex industry in Malaysia. The victim is in the

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care of WHI.

¶10. (U) On November 20, police at the Koh Kong-Thailand border arrested a 42-year-old man as he attempted to bring two Cambodian girls, ages 17 and 12, across the border to seek employment in Thailand. Police referred the suspect to court. ADHOC assisted the victims to file a complaint. The victims returned to their family. ADHOC could not identify, whether the two girls were to be trafficked for labor or sexual trafficking.

¶11. (U) On November 21, police of Kandal province arrested the owner of a business operating as a front for prostitution. Police also removed seven women working as prostitutes at the venue and referred them to AFESIP; six women left the shelter after staying for a month. Police conducted the raid based on an AFESIP complaint filed in May.

¶12. (U) In response to NGO International Justice Mission (IJM)'s complaint, the MOI's Anti-TIP Department raided a Phnom Penh guesthouse known for offering underage girls for sex on November 22. During the raid, police arrested the owner and removed three girls into NGO care.

¶13. (U) On November 25, the police of Kampong Chhnang province arrested a French national on a debauchery charge. Police identified two Cambodian girls, ages 17 and 18, as victims.

¶14. (U) On December 8, the MOI's Anti-TIP Department, with financial and technical support from IJM, started the "one hundred day" campaign on Street 63 -- a red-light section of Phnom Penh -- as part of an overall effort to rid the city of prostitution and sexual exploitation. Un Sokunthea, Director of the Anti-TIP Department, reported that since the start of the campaign, the police have successfully shut down nine businesses operating as fronts for prostitution. However, police did not make any arrests. The remaining 27 businesses along the street are to enter into a contract with the police, promising not to get involved in sexual businesses.

¶15. (U) On December 12, police of the MOI's Anti-TIP Department and IJM raided a Phnom Penh guest house known for offering young

girls for sexual services. The operation resulted in the arrest of two owners and the rescue of seven women and girls, most of whom are from Vietnam, ages 15 and 16. The suspects are in pretrial detention; the victims are with WHI.

¶16. (U) On December 12, the Anti-TIP Sihanoukville Unit arrested four individuals for operating a brothel business in the province. Two of the suspects are the owners, the others are intermediaries. Police also removed six adult sex workers from the establishment and referred them to the Department of Social Affairs for further referral.

¶17. (U) On December 14, the MOI's Anti-TIP Department conducted a raid on a Phnom Penh brothel and arrested one suspect. The suspect was sent to court and charged with pimping. Police removed five voluntary sex workers, ages between 19 and 25, and referred them to an AFESIP shelter. All have left the shelter after the two-week compulsory stay.

Court Cases

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¶18. (U) The Phnom Penh Municipal Court made a positive move during the reporting period by taking eight overdue trafficking cases to trial. A court official reported that the Ministry of Justice ordered every court to give priority to trafficking cases. While the implementation of this order has yet to be seen in other courts, the Phnom Penh court was the first to take the backlogged trafficking cases to trial.

¶19. (U) On October 3, the Phnom Penh Court conducted a trafficking trial involving two 17-year-old Vietnamese victims. The judge convicted and sentenced the Vietnamese trafficker to 15 years imprisonment. Police arrested the trafficker in March.

¶20. (U) On October 4, the Phnom Penh Municipal Court sentenced a Vietnamese pimp to five years imprisonment for prostituting four Vietnamese women, two of whom were 16 years of age. Police arrested the pimp in July 2005, and he had remained in pretrial detention since that time.

¶21. (U) On October 9, the Appeal Court heard a trafficking case, involving four victims and two suspects. The court sentenced the suspects, including a Thai national, to 15 years each and ordered compensation of 3 million riel (USD 750) to each of the four victims.

¶22. (U) On October 12, the Phnom Penh Court sentenced a Vietnamese pimp, arrested in 2004, to ten years imprisonment for prostituting a

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27-year-old Vietnamese woman.

¶23. (U) On October 13, the Phnom Penh court sentenced a Cambodian woman to two years imprisonment and ordered a fine of five million riel (USD 1,250) for debauchery committed in Phnom Penh in 2004. The case involved four Cambodian women, identified as victims by the court's report.

¶24. (U) On October 17, the Sihanoukville Municipal Court tried a German national suspected of abusing four underage victims, ages between 11 and 18. The judge convicted and sentenced the suspect to ten years imprisonment and ordered compensation of USD 5,000 to the four victims. Police arrested the suspect in April. (Note: APLE, the NGO working closely with police on this case, commended the judge on her performance in this case, despite the judge's decision in a previous case to release the US pedophile Terry Smith on bail in August. End Note.)

¶25. (U) On October 18, the Phnom Penh Municipal Court heard a long overdue debauchery case against Olaf Achleitner, an Austrian national who was arrested and charged with debauchery in November ¶2002. The accused was sentenced in absentia to ten years for sexually abusing four Cambodian boys, including two who were underage. The court report showed that Achleitner was released on bail on an unspecified date and his whereabouts are still unknown.

¶126. (U) On October 24, the Phnom Penh Municipal Court convicted and sentenced two pimps to six years each for prostituting four Cambodian women and girls. Police arrested the pimps in February 2006.

¶127. (U) On October 27, the Phnom Penh Court sentenced two Vietnamese pimps to six years imprisonment each for running a brothel in Phnom Penh. Police arrested the two men and charged them with pimping in 2004. They have been serving pre-trial detention since being charged.

¶128. (U) On November 1, the Siem Reap Provincial Court sentenced two individuals to five and eleven years respectively, for the trafficking of a 17 year-old girl for sexual exploitation. The court also ordered the two men to pay compensation of six million riel (about USD 1,500) to the victim.

¶129. (U) On the same day but in a separate case, the Siem Reap court sentenced a pimp to two years imprisonment and ordered compensation of 5 million riel (about USD 1,250) to ten victims.

¶130. (U) On November 3, the Siem Reap Provincial Court sentenced a woman to five years in prison and ordered her to pay compensation of 2 million riel (about USD 500) to her victim, whom she lured and sold into a brothel.

¶131. (U) Also on November 3, the Siem Reap Provincial Court tried a trafficking case involving two suspects and six victims. The court convicted and sentenced the suspects to five and 15 years, respectively.

¶132. (U) On November 10, the Phnom Penh Municipal Court conducted the hearing of a debauchery case involving a Belgium national and a 13-year-old boy. The judge sentenced the suspect to 18 years imprisonment. The convict was arrested in April 2006 (see reftel C).

¶133. On November 29, the Phnom Penh Municipal court acquitted a suspect who was arrested in January 2006 for abducting a four-year-old child from her Sihanoukville home. The victim reportedly died of illness. PJJ, the NGO representing the victim's father, suspected the Phnom Penh Court of being biased to the defendant and appealed the case to the Appeals Court.

¶134. (U) On December 18, the Phnom Penh Municipal Court sentenced a Cambodian woman to five years imprisonment for attempted pimping. According to the court's report, no victims were identified in this case. In a separate court case, the court convicted a pimp to five years for running a brothel.

¶135. (U) On December 19, the Kampong Speu Provincial Court tried a pimping case involving a former military lieutenant who was arrested in July (see reftel B). The court sentenced the suspected pimp to a five-year suspended sentence and ordered a fine of five million riel (USD 1,250).

¶136. (U) On December 25, the Phnom Penh Municipal Court sentenced a French bar owner and his girlfriend to six years each. Police arrested both suspects in June for prostituting his workers, and charged them with forcing female bar workers to provide sexual services. (see reftel C).

¶137. (U) On December 26, Siem Reap Provincial Court tried a pimping case, sentencing a suspected pimp to a one-year prison term and

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three years' probation. The case involved seven voluntary sex workers, ages between 21 and 26.

Victims Make a Return Home On Their Own

¶138. (U) According to an ADHOC report, a family of four -- a father, mother, daughter and son -- returned home on October 7 after being exploited in Thailand. A brothel owner in Pataya, Thailand,

raped the mother and daughter and prostituted them in his brothel. Thai police arrested the family after they ran away from the brothel and deported them to the Cambodian border. The family filed a complaint with the court with ADHOC's help.

¶39. (U) On October 10, a 16-year-old victim of trafficking from Kampong Cham province, sold by her neighbor into a brothel in Thailand, returned home. The perpetrator won the victim's trust with a job promise and sold her to a brothel. The brothel owner raped and forced her to have sex with clients. After many failed attempts, she eventually managed to make her way out and went to NGO ADHOC for help. The victim is now at a WHI shelter.

¶40. (U) A 17-year-old girl from Kampong Cham province returned home in an unstable condition. She went to Malaysia in 2005 with her neighbor who promised to find her a job. She reportedly was mentally fine before her departure. On November 8, the victim's father received a call from Phnom Penh to pick up his daughter. NGO ADHOC is working on the case, but could not get any information from the victim, as she reportedly suffers from psychological problems now.

¶41. (U) A 35-year-old sex worker in a Stung Treng brothel came to an ADHOC office on October 9 for help, after being abused by her pimp. She reported that the pimp forced her to have sex with a group of drug addicted clients and forced her to work even when she was sick. At the time of this report, police have made no arrests.

¶42. (U) On October 10, a 16-year-old girl returned home in Battambang after her neighbor convinced the victim's mother that the victim could find work in Phnom Penh. Once in Phnom Penh, the neighbor provided the victim to another man for sexual exploitation. After the encounter, they dumped the victim at an identified location. The victim called her mother to pick her up.

¶43. (U) On October 30, a 19-year-old victim of trafficking escaped from a brothel, where she was detained and forced to provide sexual services. An unknown person promised to help find the victim a job but sold her into a brothel. She managed to escape with the help of a client and came to NGO Cambodian Women's Crisis Center (CWCC) for help.

¶44. (U) NGO CWCC reported receiving five victims of labor migration to Malaysia, who complained of abusive and exploitative conditions. Two of the victims returned to Cambodia with the help of the Cambodian embassy in Malaysia; the others either are still in Malaysia or returned by themselves.

¶45. (SBU) During the visit of Sally Neumann, G/TIP program officer, to Cambodia from November 20 to 23, NGOs discussed anti-TIP successes, problems, and future challenges for combating trafficking in Cambodia. Cross-border trafficking operations reportedly are better organized but in-country trafficking remains largely unorganized. NGOs working on pedophile cases report that foreign pedophiles appear to be renting houses and staying for longer periods in Cambodia. NGOs remain concerned that some judicial authorities support victim compensation payments in lieu of jail sentences, and that Cambodia's culture of impunity discourages victims from seeking legal redress, so they more readily opt for compensation. The inability of police to execute search warrants at night remains an impediment to investigative work, as underage girls frequently are only brought to establishments at night. Cambodia's draft anti-TIP law remains under RGC review, and Ministry of Women's Affairs officials cited several key problems in the draft legislation that weaken associated penalties for TIP crimes.

¶46. (SBU) In Sihanoukville, NGO sources reported that TIP was a growing problem and that police and judicial authorities were not always helpful or responsive. In contrast, anti-TIP police in Sihanoukville told Neumann that TIP was not even an issue in the area and cited as evidence the fact that there were only two arrests during 2006. Municipal court officials discussed difficulties in prosecuting TIP and pedophile cases. While some anti-TIP progress has been made in Phnom Penh, the G/TIP visit underscored that more work is required outside the capital with law enforcement and judicial officials.

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